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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,535	11/16/1999	KARL KLAGHOFFER	GR-98-P-5938	4486

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EXAMINER

ROBUSTELLI, MICHAEL E

ART UNIT	PAPER NUMBER
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2697

DATE MAILED: 05/28/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/441,535

Applicant(s)

KLAGHOFER ET AL.

Examiner

Michael E Robustelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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Response to Amendment

1. This communication is in response to the applicant's amendment of 3/6/03. The following rejections have been modified without changing grounds of rejection for clarification purposes. Claims 1-4 are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Kumar (US Patent No. 6,163,531).

Regarding claims 1 and 3, Kumar discloses a multimedia terminal based on ITU-T standard H. 323 ("MCU" 220 of Fig. 2A; Col. 2, lines 55-60) for setting up a multipoint connection to a plurality of terminals (212, 214, 216, 250 of Fig. 2a Col. 4, lines 15-25). In one embodiment Kumar teaches of a centralized model for controlling a conference call in which the multimedia terminal (MCU, as interpreted as an "end terminal") includes an MC controller, for processing signaling (Col. 4, lines 15-17; Col. 3, lines 26-34) for a point-to-multipoint connection, and mixer ("MP," connected to the MC controller), for providing data-stream

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mixtures to the plurality of terminals (Col. 4, lines 19-22). The mixtures of data-streams originate at the plurality of terminals (Col. 3, lines 26-34; Col. 4, lines 18-21).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar (US Patent No. 6,163,531) in view of Ahuja et al. (US Patent No. 5,689,553).

Regarding claims 2 and 4, Kumar, as discussed with the rejection of claims 1 and 3 above, differs from claims 2 and 4 in that Kumar fails to teach the method of providing for each terminal a respective one of the data-stream mixtures.

Ahuja teaches of a "virtual meeting service" that provides multimedia conferences to be connected ("VMS" 28 of Fig. 1 and 2; Col. 5, lines 1-5 and 23-28). A mixer ("bridge controller" 84 of Fig. 3) provides customizable combinations of data-streams to each user (Col. 9, lines 29-33), thus enabling a terminal to receive a mixture of data-streams comprising those originating at the multimedia terminal and any one of the other terminals (15, 30, 18, 68, 60... of Fig. 1).

It would have been obvious to one having ordinary skill in the art at the time of invention to provide separate mixtures of data-streams to each terminal.

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One of ordinary skill in the art would have been motivated to do this because eliminating ones own contribution to the conference data-stream received from the multi-media terminal (Col. 9, lines 23-26) would reduce bandwidth, thereby increasing the efficiency of the system.

Response to Arguments

6. Applicant's arguments filed 3/06/03 have been fully considered but they are not persuasive. The basis for the applicants arguments that claims 1 and 3 are not anticipated by Kumar are based on Kumar failing to explicitly teach of the multimedia terminal being an end point. This fact holds no weight on the merits of Kumar anticipating claims 1 and 3, as the limitation of the multimedia terminal being an end point is not mentioned in the claim. Thus the examiner respectfully disagrees with the applicant observations of the disclosure of the reference with regards to multimedia terminal failing to be an endpoint.

-In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., multimedia terminal being an endpoint) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael E Robustelli whose telephone number is 703-305-8326. The examiner can normally be reached on Monday- Friday, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 703-305-4798. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.



Michael E. Robustelli
May 21, 2003



RICKY NGO
PRIMARY EXAMINER